

MEMO ENDORSED

July 7, 2025

By Electronic Filing and Email

The Hon. Katherine Polk Failla, U.S.D.J.
United States District Court, S.D.N.Y.
Failla_NYSDChambers@nysd.uscourts.gov

Re: Pentacon BV, et al. v. Guy Vanderhaegen, et al., Case No. 23-cv-02172-KPF

Dear Judge Failla:

We represent the defendants in this action. Pursuant to Rule 9(C)(i) of Your Honor's individual rules and Paragraph 3.1.6 of the Confidentiality Stipulation and Protective Order entered by this Court on May 23, 2024 (ECF No. 68) (the "Protective Order"), defendants hereby request leave to file under seal Exhibit A to the letter motion requesting an informal conference that was filed by defendants today.

Exhibit A is a copy of an amended privilege log served by plaintiffs in this action on July 3, 2025. Plaintiffs designated that privilege log as "Confidential Information" under the Protective Order by stamping each of its pages with the words "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER." Defendants bring this letter motion solely to comply with Paragraph 3.1.6 of the Protective Order and, as contemplated thereby, to permit plaintiffs as "Designating Party" with the opportunity to file a letter within seven (7) days in support of continued sealing or redaction of Exhibit A that provides the information required by Rules 9(b)(i) and/or (c)(i) of Your Honor's individual rules.

Accordingly, defendants respectfully request leave to file Exhibit A under seal pending plaintiffs' filing of such a letter and the Court's determination of whether to approve continued sealing or redaction of the privilege log. Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Thomas J. McCormack

Thomas J. McCormack

cc: All Counsel of Record (by electronic filing)

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The Court is in receipt of Plaintiffs' request for a conference (Dkt. #80), the response of third parties Global Atlantic and KKR (Dkt. #82), and Defendants' request for a conference (Dkt. #83) and above request to seal (Dkt. #84).

Due to the breadth of issues raised in those letters, and the impending discovery deadlines, the Court ORDERS the parties to appear for a telephone conference on **July 11, 2025, at 11:00 a.m.**

The dial-in information is as follows: At 11:00 a.m., the parties shall call (855) 244-8681 and enter access code 2315 780 7370. Please note, the conference will not be available prior to 11:00 a.m.

The Clerk of Court is directed to terminate the pending motions at docket entries 80, 83, and 84, and to maintain docket entry 85 under seal.

Dated: July 8, 2025 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE